

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1602

United States of America,

Appellee,

v.

Janice L. Hankey,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.
[UNPUBLISHED]

Submitted: September 5, 2002
Filed: September 10, 2002

Before McMILLIAN, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Janice Hankey appeals the district court's¹ revocation of her probation and imposition of a 70-month term of imprisonment. On appeal, she argues that there was insufficient evidence to revoke her probation and that the district court erred in imposing a sentence in excess of the Guidelines imprisonment range recommended by the Chapter 7 policy statement. After careful review of the record, we affirm.

¹The Honorable Carol E. Jackson, Chief Judge, United States District Court for the Eastern District of Missouri.

The district court did not abuse its discretion in revoking Hankey's probation, because the undisputed evidence at the revocation hearing showed that she had failed to comply with her probation conditions. See United States v. Leigh, 276 F.3d 1011, 1012 (8th Cir. 2002) (per curiam) (standard of review); United States v. Goeller, 807 F.2d 749, 751 (8th Cir. 1986). Further, the district court did not err in sentencing Hankey to 70 months imprisonment, because this sentence was within the range of sentences that initially could have been imposed. See U.S.S.G. Ch.7, Pt.A(2)(a); United States v. Iversen, 90 F.3d 1340, 1345 (8th Cir. 1996).

Accordingly, we grant counsel's motion to withdraw, and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.